



February 8, 2007

HOUSE BILL No. 1382

DIGEST OF HB 1382 (Updated February 6, 2007 12:08 pm - DI 107)

Citations Affected: IC 20-33; IC 31-37; IC 31-39; IC 35-50.

Synopsis: Juvenile delinquency and criminal law information. Requires the parent of a student who is at least 18 years of age to be notified by the following persons if the student is interrogated on school property by a law enforcement officer regarding an incident in which the student is a suspect: (1) The school principal, if the school does not have a policy concerning parental notification. (2) The individual designated to notify parents under a school policy concerning parental notification, if the school has adopted a policy. Requires a law enforcement agency to notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, or the superintendent of the school district in which a child is enrolled if the child is taken into custody for allegedly committing certain crimes. Provides that a school may not use a report that a child was taken into custody for disciplinary purposes. Provides that a juvenile court may release court records to certain entities without a court order. Provides that certain agencies and entities may exchange certain information about a juvenile. Provides that a judge shall give written notice of a conviction to the chief administrative officer of a primary or secondary school or the superintendent of the school district in which a child is enrolled if the child is convicted of certain felonies or if the child has been adjudicated as a delinquent child for an act that would be certain felonies if committed by an adult.

Effective: July 1, 2007.

Lawson L, Kuzman, Hinkle

January 16, 2007, read first time and referred to Committee on Judiciary.
February 7, 2007, amended, reported — Do Pass.

HB 1382—LS 7184/DI 107+



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February 8, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1382

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-33-11 IS ADDED TO THE INDIANA CODE
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]:

4 **Chapter 11. Interrogation of a Student**

5 **Sec. 1. The definitions in IC 20-33-8 apply to this chapter.**

6 **Sec. 2. A school shall comply with this chapter.**

7 **Sec. 3. (a) This section applies if a school does not have a policy**
8 **that requires a student's parent to be notified if the student is**
9 **interrogated on school property by a law enforcement officer.**

10 **(b) If a student who is at least eighteen (18) years of age is**
11 **interrogated by a law enforcement officer:**

12 **(1) on school property; and**

13 **(2) regarding an investigation in which the student may be a**
14 **suspect;**

15 **the school principal must notify the student's parent of the**
16 **interrogation not later than twelve (12) hours after the**
17 **interrogation occurs.**

HB 1382—LS 7184/DI 107+



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1 **Sec. 4. If a school has a policy that requires a student's parent**
 2 **to be notified by a designated school employee if the student is**
 3 **interrogated on school property by a law enforcement officer, the**
 4 **school policy must apply to all students, regardless of the age of the**
 5 **student.**

6 SECTION 2. IC 31-37-4-3 IS ADDED TO THE INDIANA CODE
 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 8 1, 2007]: **Sec. 3. (a) This section applies if a child is arrested or**
 9 **taken into custody for allegedly committing an act that would be**
 10 **any of the following crimes if committed by an adult:**

- 11 (1) Murder (IC 35-42-1-1).
- 12 (2) Attempted murder (IC 35-41-5-1).
- 13 (3) Voluntary manslaughter (IC 35-42-1-3).
- 14 (4) Involuntary manslaughter (IC 35-42-1-4).
- 15 (5) Reckless homicide (IC 35-42-1-5).
- 16 (6) Aggravated battery (IC 35-42-2-1.5).
- 17 (7) Battery (IC 35-42-2-1).
- 18 (8) Kidnapping (IC 35-42-3-2).
- 19 (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.
- 20 (10) Sexual misconduct with a minor (IC 35-42-4-9).
- 21 (11) Incest (IC 35-46-1-3).
- 22 (12) Robbery as a Class A felony or a Class B felony
- 23 (IC 35-42-5-1).
- 24 (13) Burglary as a Class A felony or a Class B felony
- 25 (IC 35-43-2-1).
- 26 (14) Carjacking (IC 35-42-5-2).
- 27 (15) Assisting a criminal as a Class C felony (IC 35-44-3-2).
- 28 (16) Escape (IC 35-44-3-5) as a Class B felony or Class C
- 29 felony.
- 30 (17) Trafficking with an inmate as a Class C felony
- 31 (IC 35-44-3-9).
- 32 (18) Causing death when operating a motor vehicle
- 33 (IC 9-30-5-5).
- 34 (19) Criminal confinement (IC 35-42-3-3) as a Class B felony.
- 35 (20) Arson (IC 35-43-1-1) as a Class A or Class B felony.
- 36 (21) Possession, use, or manufacture of a weapon of mass
- 37 destruction (IC 35-47-12-1).
- 38 (22) Terroristic mischief (IC 35-47-12-3) as a Class B felony.
- 39 (23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- 40 (24) A violation of IC 35-47.5 (controlled explosives) as a
- 41 Class A or Class B felony.
- 42 (25) A controlled substances offense under IC 35-48.

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(26) A criminal gang offense under IC 35-45-9.

(b) If a child is taken into custody under this chapter for a crime or act listed in subsection (a), the law enforcement agency that employs the law enforcement officer who takes the child into custody shall notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, in which the child is enrolled or, if the child is enrolled in a public school, the superintendent of the school district in which the child is enrolled:

(1) that the child was taken into custody; and

(2) of the reason why the child was taken into custody.

(c) The notification under subsection (a) must occur within forty-eight (48) hours after the child is taken into custody.

(d) A law enforcement agency may not disclose information that is confidential under state or federal law to a school or school district under this section.

(e) A school may not use a report that a child was arrested or taken into custody under this chapter for disciplinary purposes.

SECTION 3. IC 31-39-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. A judge of a juvenile court or the judge's employees may not exercise any jurisdiction or control over:

(1) records kept and maintained by law enforcement agencies relating to juveniles; and

(2) the discretion granted to heads of law enforcement agencies to release, or to grant access to, records and information unless otherwise specifically provided in the juvenile law, **including IC 31-37-4-3 and IC 31-39-9**. Any specific authority that is granted does not imply the existence of any other jurisdiction or control.

SECTION 4. IC 31-39-2-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6.5. A juvenile court may release court records to an entity listed in IC 31-39-9-1 without a court order.**

SECTION 5. IC 31-39-2-13.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13.8. (a) The juvenile court may grant a school access to all or a portion of the juvenile court records of a child who is a student at the school if:

(1) the superintendent, or the superintendent's designee;

(2) the chief administrative officer of a nonpublic school, or the chief administrative officer's designee; or

(3) the individual with administrative control within a charter

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school, or the individual's designee;
 submits a written request that meets the requirements of subsection (b).

(b) A written request must establish that the juvenile court records described in subsection (a) are necessary for the school to:

(1) serve the educational needs of the child whose records are being released; or

(2) protect the safety or health of a student, an employee, or a volunteer at the school.

(c) A juvenile court that releases juvenile court records under this section shall provide notice to the child and to the child's parent, guardian, or custodian that the child's juvenile records have been disclosed to the school.

(d) A juvenile court that releases juvenile court records under this section shall issue an order requiring the school to keep the juvenile court records confidential. A confidentiality order issued under this subsection does not prohibit a school that receives juvenile court records from forwarding the juvenile records to:

(1) another school; or

(2) a person if a parent, guardian, or custodian of the child consents to the release of the juvenile court records to the person;

or

(3) an entity listed in IC 31-39-9-1.

A school or a person that receives juvenile court records under this subsection must keep the juvenile court records confidential.

SECTION 6. IC 31-39-9 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 9. Exchange of Information Concerning Delinquent Children

Sec. 1. The following entities and agencies may exchange records of a child who is a child in need of services or has been determined to be a delinquent child under IC 31-37-1-2, if the information or records are not confidential under state or federal law:

(1) A court.

(2) A law enforcement agency.

(3) The department of correction.

(4) The department of child services.

(5) The office of the secretary of family and social services.

(6) A primary or secondary school, including a public or nonpublic school.

SECTION 7. IC 35-50-8 IS ADDED TO THE INDIANA CODE AS

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A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 8. Primary or Secondary School Student Delinquency and Criminal Conviction Information

Sec. 1. (a) If an individual is enrolled in a primary or secondary school, including a public or nonpublic school, in which the child is enrolled and:

(1) is convicted of:

(A) a Class A felony;

(B) a Class B felony;

(C) a Class C felony; or

(D) at least two (2) Class D felonies; or

(2) has been adjudicated as a delinquent child for:

(A) an act that would be:

(i) a Class A felony;

(ii) a Class B felony; or

(iii) a Class C felony; or

(B) acts that would be at least two (2) Class D felonies;

if committed by an adult;

the judge who presided over the trial, accepted the plea agreement, or adjudicated the child a delinquent child shall give written notification of the conviction or adjudication to the chief administrative officer of the primary or secondary school, including a public or nonpublic school, or, if the individual is enrolled in a public school, the superintendent of the school district in which the individual is enrolled.

(b) Notification under subsection (a) must occur within seven (7) days after the conclusion of the trial, the date a plea agreement is accepted, or the date the child is adjudicated a delinquent child.

(c) The notification sent to a school or school district under subsection (a) must include only:

(1) the felony for which the individual was convicted or that the individual would have committed if the individual were an adult; and

(2) the individual's sentence or juvenile law disposition.

(d) If the court later modifies the individual's sentence or juvenile law disposition after giving notice under this section, the court shall notify the school or the school district in which the individual is enrolled of the sentence or disposition modification.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1382, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-33-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 11. Interrogation of a Student

Sec. 1. The definitions in IC 20-33-8 apply to this chapter.

Sec. 2. A school shall comply with this chapter.

Sec. 3. (a) This section applies if a school does not have a policy that requires a student's parent to be notified if the student is interrogated on school property by a law enforcement officer.

(b) If a student who is at least eighteen (18) years of age is interrogated by a law enforcement officer:

- (1) on school property; and**
- (2) regarding an investigation in which the student may be a suspect;**

the school principal must notify the student's parent of the interrogation not later than twelve (12) hours after the interrogation occurs.

Sec. 4. If a school has a policy that requires a student's parent to be notified by a designated school employee if the student is interrogated on school property by a law enforcement officer, the school policy must apply to all students, regardless of the age of the student."

Page 1, line 3, after "(a)" insert **"This section applies if a child is arrested or taken into custody for allegedly committing an act that would be any of the following crimes if committed by an adult:**

- (1) Murder (IC 35-42-1-1).**
- (2) Attempted murder (IC 35-41-5-1).**
- (3) Voluntary manslaughter (IC 35-42-1-3).**
- (4) Involuntary manslaughter (IC 35-42-1-4).**
- (5) Reckless homicide (IC 35-42-1-5).**
- (6) Aggravated battery (IC 35-42-2-1.5).**
- (7) Battery (IC 35-42-2-1).**
- (8) Kidnapping (IC 35-42-3-2).**
- (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.**
- (10) Sexual misconduct with a minor (IC 35-42-4-9).**



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- (11) Incest (IC 35-46-1-3).
- (12) Robbery as a Class A felony or a Class B felony (IC 35-42-5-1).
- (13) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).
- (14) Carjacking (IC 35-42-5-2).
- (15) Assisting a criminal as a Class C felony (IC 35-44-3-2).
- (16) Escape (IC 35-44-3-5) as a Class B felony or Class C felony.
- (17) Trafficking with an inmate as a Class C felony (IC 35-44-3-9).
- (18) Causing death when operating a motor vehicle (IC 9-30-5-5).
- (19) Criminal confinement (IC 35-42-3-3) as a Class B felony.
- (20) Arson (IC 35-43-1-1) as a Class A or Class B felony.
- (21) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).
- (22) Terroristic mischief (IC 35-47-12-3) as a Class B felony.
- (23) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- (24) A violation of IC 35-47.5 (controlled explosives) as a Class A or Class B felony.
- (25) A controlled substances offense under IC 35-48.
- (26) A criminal gang offense under IC 35-45-9.

(b)".

Page 1, line 4, delete "chapter," and insert "**chapter for a crime or act listed in subsection (a),**".

Page 1, line 6, delete "school" and insert "**school, including a public or nonpublic school, in which the child is enrolled**".

Page 1, line 7, delete "or" and insert "**or, if the child is enrolled in a public school,**".

Page 1, line 11, delete "(b)" and insert "(c)".

Page 1, line 13, delete "(c)" and insert "(d)".

Page 1, between lines 15 and 16, begin a new paragraph and insert:

"(e) A school may not use a report that a child was arrested or taken into custody under this chapter for disciplinary purposes.

SECTION 3. IC 31-39-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. A judge of a juvenile court or the judge's employees may not exercise any jurisdiction or control over:

- (1) records kept and maintained by law enforcement agencies relating to juveniles; and
- (2) the discretion granted to heads of law enforcement agencies

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to release, or to grant access to, records and information unless otherwise specifically provided in the juvenile law, **including IC 31-37-4-3 and IC 31-39-9**. Any specific authority that is granted does not imply the existence of any other jurisdiction or control.

SECTION 4. IC 31-39-2-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6.5. A juvenile court may release court records to an entity listed in IC 31-39-9-1 without a court order.**

SECTION 5. IC 31-39-2-13.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13.8. (a) The juvenile court may grant a school access to all or a portion of the juvenile court records of a child who is a student at the school if:

- (1) the superintendent, or the superintendent's designee;
- (2) the chief administrative officer of a nonpublic school, or the chief administrative officer's designee; or
- (3) the individual with administrative control within a charter school, or the individual's designee;

submits a written request that meets the requirements of subsection (b).

(b) A written request must establish that the juvenile court records described in subsection (a) are necessary for the school to:

- (1) serve the educational needs of the child whose records are being released; or
- (2) protect the safety or health of a student, an employee, or a volunteer at the school.

(c) A juvenile court that releases juvenile court records under this section shall provide notice to the child and to the child's parent, guardian, or custodian that the child's juvenile records have been disclosed to the school.

(d) A juvenile court that releases juvenile court records under this section shall issue an order requiring the school to keep the juvenile court records confidential. A confidentiality order issued under this subsection does not prohibit a school that receives juvenile court records from forwarding the juvenile records to:

- (1) another school; ~~or~~
 - (2) a person if a parent, guardian, or custodian of the child consents to the release of the juvenile court records to the person;
- or**

(3) an entity listed in IC 31-39-9-1.

A school or a person that receives juvenile court records under this subsection must keep the juvenile court records confidential."

Page 2, line 5, delete "delinquent".

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Page 2, line 5, delete "receiving supervision," and insert "**a child in need of services or has been determined to be a delinquent child under IC 31-37-1-2,**".

Page 2, line 6, delete "treatment, or services".

Page 2, line 13, delete "school." and insert "**school, including a public or nonpublic school.**".

Page 2, delete line 14.

Page 2, line 21, delete "school" and insert "**school, including a public or nonpublic school, in which the child is enrolled**".

Page 2, line 37, delete "school or" and insert "**school, including a public or nonpublic school, or, if the individual is enrolled in a public school,**".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1382 as introduced.)

LAWSON L, Chair

Committee Vote: yeas 8, nays 0.

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